

As required by MPEP §804, any obviousness-type double patenting rejection should make clear the differences between the inventions defined by the conflicting claims. In this case, all of the claims of the present application require that the three dimensional structure be adhered to at least a portion of the interior wall of the housing. In contrast, none of the claims of the '457 patent discloses or even remotely suggests that the three dimensional structure be adhered to at least a portion of an interior wall of the housing. Instead, the '457 claims recite merely that the housing defines a volume that contain the structure, and that the structure be so contained such that it is contiguous with an open end of the housing. Nothing about adhering the structure to a wall is recited or suggested.

Furthermore, the instant claims are silent as to any aspect ratio, whereas the claims of the '457 patent are limited to an aspect ratio of less than about 10.

Applicants note that when considering whether the invention defined in a claim in the application is an obvious variation of the invention defined in the claim of a patent, the disclosure of the patent may not be used as prior art.

Once the differences between the inventions by the conflicting claims are determined, the reasons why the skilled artisan would conclude that the invention defined in the claims at issue is an obvious variation of the invention defined in the claim of the patent must be made clear. The Examiner has set forth no basis why a person of ordinary skill in the art would consider adhering the three dimensional structure to at least a portion of the interior wall of a housing is an obvious variation of a housing containing a three-dimensional structure contiguous with an open end of the housing. Applicants respectfully submit that no such basis exists.

The Examiner rejects claims 1, 2, 4-12 and 14-15 under 35 U.S.C. §102(e) as being anticipated by Dusterhoft et al., and claim 16 under 35 U.S.C. §103(a) as being unpatentable over

Dusterhoft et al. in view of Kapulprathipanja et al.

The rejections are respectfully traversed.

Dusterhoft et al. is effective as a reference as of its PCT publication date of March 8, 1998.

The instant application claims priority to grandparent application Serial No. 09/007,320 filed on January 15, 1998, and indeed even to Provisional Application Serial No. 60/038,909 filed on February 26, 1997. Each of these dates is prior to the effective date of Dusterhoft et al.

Reconsideration and allowance are respectfully requested in view of the foregoing.

Respectfully submitted,



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